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PUB. L. 104—134, 110 STAT. 1321
H.R. 3019
APRIL 26, 1996

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

**OMNIBUS CONSOLIDATED RESCISSIONS
AND APPROPRIATIONS ACT OF 1996**

[*1321-50]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$278,000,000, of which \$269,400,000 is for basic field programs and required independent audits carried out in accordance with section 509; \$1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and \$7,100,000 is for management and administration: Provided, That \$198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

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ADMINISTRATIVE PROVISIONS — LEGAL SERVICES CORPORATION

Sec. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the

United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term ‘individual in poverty’ means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

Sec. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

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(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

Sec. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to 3/12 of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

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(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

Sec. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a ‘recipient’)—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

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Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: Provided further, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and

disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

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(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a

boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does

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~~not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;~~

Stricken text overruled by *Legal Services Corp. v. Velazquez*, 531 U.S. 533 (2001) and removed by Pub. L. 107—77, 115 Stat. 748 (November 28, 2001).

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

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(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

(f) As used in this section:

(1) The term ‘controlled substance’ has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term ‘covered individual’ means any person who —

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term ‘public housing project’ has the meaning as used within, and the term ‘public housing agency’ has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

Sec. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

Sec. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

Sec. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

Sec. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), (13), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter;

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning August 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(3) the requirements of paragraph (13) of section 504(a)—

(A) shall apply beginning on the date of enactment of this Act to the activities of the recipient or employee during the provision of legal assistance for any additional related claim

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for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) shall not apply to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

Sec. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a ‘recipient’) shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report in writing any noncompliance found by the auditor during the audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient’s failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient’s funding providers and the appropriate share shall be an

allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General. If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector General,

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the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) the withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) the suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) Follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A-50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

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HOUSE RPT. 104—537
(As corrected at H4187-H4287)

***MAKING APPROPRIATIONS FOR FISCAL YEAR 1996 TO MAKE A
 FURTHER DOWNPAYMENT TOWARD A BALANCED BUDGET, AND FOR OTHER PURPOSES***

***Conference Report Comments
 (Not Reported in Statutes)***

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides \$278,000,000 for the Legal Services Corporation, as proposed by the House, instead of \$300,000,000 as proposed by the Senate. In addition, the conference agreement does not include \$9,000,000 in additional contingent appropriations, as proposed by the Senate under title IV of the Senate bill.

Within the total amounts provided, the conferees agree that the funds should be distributed as follows: (1) \$269,400,000 for basic field programs and required independent audits carried out in accordance with section 509; (2) \$1,500,000 for the Office of Inspector General; and (3) \$7,100,000 for management and administration. The conferees are aware that the Legal Services Corporation has recently identified \$400,000 in prior year carryover funds. The conferees expect the Committees on Appropriations of the House and Senate to be notified prior to any further expenditure of these funds in accordance with section 605 of this Act. The

conference agreement does not include language, proposed by the Senate, for payment of attorneys fees for a specific civil action.

The Legal Services Corporation historically has distributed funding for basic field programs (for all eligible clients) on an equal figure per poor person based on the 1990 census, with an exception that adjusts the formula for certain isolated states and territories. The conferees are encouraged that the Corporation has worked expeditiously to distribute funding on a competitive award basis, and urge the Corporation to continue implementation of the system that has been developed to continue providing grants to all eligible populations.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement includes language proposed by the Senate under section 504 to provide an exception to the prohibition contained therein that would permit recipients of LSC grants to use funds derived from non-Federal sources to comment on public rulemakings or to respond to a written request for information or testimony from a governmental body, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made. The House bill contained no similar exception to the prohibition contained in the bill.

The conference agreement corrects a code citation in section 504(a)(10)(c), as proposed in the Senate bill. The House bill contained the code citation provided in the conference report on H.R. 2076.

The conference agreement includes language under section 508 to allow for the collection of attorneys fees for cases or matters pending prior to enactment of this Act. This provision does not allow the collection of attorneys fees for any new or additional claim or matter not initiated prior to enactment of this Act. Neither the House nor Senate bill contained a provision on this matter.

The conference agreement makes a modification to language included in section 508 in both the House and Senate bills to provide for a limited transition time for LSC grantees to dispose of pending cases and matters initiated prior to enactment of this Act, which would now be prohibited under this Act. The agreement provides LSC grantees until August 1, 1996 to dispose of all such cases.

The conference agreement contains modifications to language in section 509 proposed by the Senate related to the procedures by which LSC grantees are audited and the manner in which recipients contract with licensed independent certified public accountants for financial and compliance audits. Also included are modifications to language proposed by the Senate to clarify that only the Office of the Inspector General shall have oversight responsibility to ensure the quality and integrity of the financial and compliance audit process. Language is also included, as proposed by the Senate, to clarify the Corporation management's duties and responsibilities to resolve deficiencies and non-compliance reported by the Office of the Inspector General. Further, language is included, as proposed by the Senate, authorizing the Office of the Inspector General to conduct additional on-site monitoring, audits, and inspections necessary for programmatic, financial and compliance oversight. The House bill contained the provisions included in the conference report on H.R. 2076.

PUB. L. 104—208, 110 STAT. 3009
H.R. 3610
SEPTEMBER 30, 1996

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

[*3009-59]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$283,000,000, of which \$274,400,000 is for basic field programs and required independent audits; \$1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$7,100,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

SEC. 501. (a) Continuation of Competitive Selection Process.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104—134 (110 Stat. 1321-52 et seq.).

(b) Inapplicability of Noncompetitive Procedures.—For purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 502. (a) Continuation of Requirements and Restrictions.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104—134 (110 Stat. 1321-51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1996 and 1997, respectively; and

(2) section 504 of Public Law 104—134 (110 Stat. 1321-53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104—134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the

[*3009-60]]

date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504, shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parents consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) Definitions.—For purposes of subsection (a)(2)(C):

(1) The term 'battered or subjected to extreme cruelty' has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 ;(Pub. L. 103—322; 108 Stat. 1953).

(2) The term 'related legal assistance' means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) Continuation of Audit Requirements.—The requirements of section 509 of Public Law 104—134 (110 Stat. 1321-58 et seq.), other than subsection (1) of such section, shall apply during fiscal year 1997.

(b) Requirement of Annual Audit.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1997 in accordance with the requirements referred to in subsection (a).

*House Rpt. 104—863****MAKING OMNIBUS CONSOLIDATED
APPROPRIATIONS FOR FISCAL YEAR 1997******CONFERENCE REPORT
(NOT REPORTED IN STATUTES)***

LEGAL SERVICES CORPORATION***PAYMENT TO THE LEGAL SERVICES CORPORATION***

The conference agreement includes \$283,000,000 for payment to the Legal Services Corporation instead of \$250,000,000 as proposed in the House bill and \$288,000,000 as proposed in the Senate-reported bill.

The conference agreement provides \$274,400,000 for grants to basic field programs and independent audits, \$7,100,000 for management and administration, and \$1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, identical in both the House bill and Senate-reported bill, continuing all statutory requirements and restrictions included in the fiscal year 1996 appropriations act, with one modification. Section 502 of both bills contains an exception to the restrictions to allow non-Federal funds to be used to provide legal assistance in domestic violence and related matters.

The conference agreement makes several technical changes to correct statutory citations that were incorrectly cited in the House and Senate-reported bills.

PUB. L. 105—119, 111 STAT. 2440
H.R. 2267
NOVEMBER 26, 1997

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

P.L. 105—119 repeats P.L. 104—208, modifies §501(b) into §501(b) & (c) and adds §504 debarment of recipients, §505 case information disclosure, and §506 joint assets provisions for domestic violence cases.

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY
AND RELATED AGENCIES APPROPRIATIONS ACT, 1998**

[*2510]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$283,000,000, of which \$274,400,000 is for basic field programs and required independent audits; \$1,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$7,100,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS— None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104—134 (110 Stat. 1321-52 et seq.).

(b) INAPPLICABILITY OF CERTAIN PROCEDURES— Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not apply to the provision, denial, suspension, or termination of any financial assistance using funds appropriated in this Act.

(c) ADDITIONAL PROCEDURES— If, during any term of a grant or contract awarded to a recipient by the Legal Services Corporation under the competitive selection process referred to in subsection (a) and applicable Corporation regulations, the Corporation finds, after notice and opportunity for the recipient to be heard, that the recipient has failed to comply with any requirement of the Legal Services Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any other applicable law relating to funding for the Corporation, the Corporation may terminate the grant or contract and institute a new competitive selection process for the area served by the recipient, notwithstanding the terms of the recipient's grant or contract.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS— None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104—134 (110 Stat. 1321-51 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1997 and 1998, respectively; and

(2) section 504 of Public Law 104—134 (110 Stat. 1321-53 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104—134 (110 Stat. 1321-58) shall apply with respect to the requirements of subsection (a)(13) of such section 504,

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except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS— For purposes of subsection (a)(2)(C):

(1) The term 'battered or subjected to extreme cruelty' has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Public Law 103—322; 108 Stat. 1953).

See Public Law 109-162, Violence Against Women Act of 2005, and Program Letter 06-2 for amendments to 502(a)(2)(C) and (b)(2)

(2) The term ‘related legal assistance’ means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS— The requirements of section 509 of Public Law 104—134 (110 Stat. 1321-58 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1998.

(b) REQUIREMENT OF ANNUAL AUDIT— An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1998 in accordance with the requirements referred to in subsection (a).

SEC. 504. (a) DEBARMENT— The Legal Services Corporation may debar a recipient, on a showing of good cause, from receiving an additional award of financial assistance from the Corporation. Any such action to debar a recipient shall be instituted after the Corporation provides notice and an opportunity for a hearing to the recipient.

(b) REGULATIONS— The Legal Services Corporation shall promulgate regulations to implement this section.

(c) GOOD CAUSE— In this section, the term ‘good cause’, used with respect to debarment, includes—

(1) prior termination of the financial assistance of the recipient, under part 1640 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling);

(2) prior termination in whole, under part 1606 of title 45, Code of Federal Regulations (or any similar corresponding regulation or ruling), of the most recent financial assistance received by the recipient, prior to date of the debarment decision;

[*2512]

(3) substantial violation by the recipient of the statutory or regulatory restrictions that prohibit recipients from using financial assistance made available by the Legal Services Corporation or other financial assistance for purposes prohibited under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or for involvement in any activity prohibited by, or inconsistent with, section 504 of Public Law 104—134 (110 Stat. 1321-53 et seq.), section 502(a)(2) of Public Law 104—208 (110 Stat. 3009-59 et seq.), or section 502(a)(2) of this Act;

(4) knowing entry by the recipient into a subgrant, subcontract, or other agreement with an entity that had been debarred by the Corporation; or

(5) the filing of a lawsuit by the recipient, on behalf of the recipient, as part of any program receiving any Federal funds, naming the Corporation, or any agency or employee of a Federal, State, or local government, as a defendant.

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semiannual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.

SEC. 506. In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f (a) (2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual, and shall not include any jointly held assets.

H. RPT. 105—405

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Conference Report Comments (Not Reported in Statutes)

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$283,000,000 for payment to the Legal Services Corporation, instead of \$250,000,000 as proposed in the House bill, and \$300,000,000 as proposed in the Senate bill.

The conference agreement provides \$274,400,000 for grants to basic field programs and independent audits, \$7,100,000 for management and administration, and \$1,500,000 for the Office of the Inspector General.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement contains language, included in both the House and Senate bills, continuing all statutory requirements and restrictions included in the fiscal year 1997 appropriations Act.

In addition, the conference agreement includes new provisions in section 501, as contained in the House bill, providing additional authority to the Corporation to terminate a grant award and institute a new grant competition if the existing grantee has been found to be in violation of statutory and regulatory requirements and restrictions. The Senate bill contained similar provisions. In addition, provisions are included in section 504, as contained in the House bill, to allow the Corporation to debar grantees from the competitive bid process in certain circumstances. The Senate bill contained similar provisions.

The conference agreement includes a provision, section 505, proposed in the House bill but not addressed in the Senate bill, requiring certain public disclosure reporting requirements related to litigation initiated by grantees of the Legal Services Corporation.

The conference agreement also includes a provision, section 506, proposed in the Senate bill but not addressed in the House bill, to ensure that income eligibility determinations in cases of domestic violence are made only on the basis of the assets and income of the individual. The conferees are aware that the current statute and regulations of the Legal Services Corporation already provide for such determinations to be made in all cases, including domestic violence. However, given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter. However, the conferees do not intend to in any way preclude such eligibility determinations in other cases made in accordance with current regulations and statute.

The conference agreement makes several technical changes to correct statutory citations and other technical differences included in the House and Senate bills.

PUB. L. 105—277, 112 STAT. 2681**H.R. 4328****October 21, 1998**

Additional general provisions not excerpted herein that apply to LSC's appropriation appear in the full statute.

**OMNIBUS CONSOLIDATED AND EMERGENCY
APPROPRIATIONS ACT, 1999**

[*2681-107]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$300,000,000, of which \$289,000,000 is for basic field programs and required independent audits; \$2,015,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$8,985,000 is for management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1998 and 1999, respectively.

House Rpt. 105—825

**MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 1999**

***Conference Report Comments
(Not Reported in Statutes)***

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$300,000,000 for payment to the Legal Services Corporation, as proposed in the Senate bill, instead of \$250,000,000 as proposed in the House bill.

The conference agreement provides \$289,000,000 for grants to basic field programs and independent audits, \$8,985,000 for management and administration, and \$2,015,000 for the Office of the Inspector General. The conference agreement does not include language proposed in the Senate bill to designate \$300,000 of funds provided under this account for litigation associated with Aguilar v. United States. The House bill did not address this matter.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement contains language to continue the terms and conditions included under this section in the fiscal year 1998 Act, as proposed in the House bill. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

PUB. L. 106—113, 113 STAT. 1501
H.R. 3194
November 29, 1999

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

CONSOLIDATED APPROPRIATIONS ACT, 2000

[*1501A-49]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$305,000,000, of which \$289,000,000 is for basic field programs and required independent audits; \$2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$8,900,000 is for management and administration; and \$5,000,000 is for client self help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

House Rpt. 106—479

***MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE
DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST
REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000, AND FOR
OTHER PURPOSES***

***Conference Report Comments
(Not Reported in Statutes)***

LEGAL SERVICES CORPORATION**PAYMENT TO THE LEGAL SERVICES CORPORATION**

The conference agreement includes \$305,000,000 for payment to the Legal Services Corporation, instead of \$300,000,000 as proposed in the Senate bill, and \$250,000,000 as proposed in the House bill.

The conference agreement provides \$289,000,000 for grants to basic field programs and independent audits, \$8,900,000 for management and administration, and \$2,100,000 for the Office of the Inspector General, as proposed by the Senate. The agreement also includes \$5,000,000 to provide technology grants to Legal Services Corporation grantees to be used to improve pro se clinic methods and acquire computerized systems that make basic legal information and court forms accessible to pro se litigants. These grants are made with the understanding, as stated in the Legal Services Corporation budget request, that the grantees make a commitment to include in their budgets for future years amounts sufficient to maintain and upgrade their equipment. The conferees note that \$28,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under title I of this bill.

The conferees expect that any unobligated balances remaining available at the end of the fiscal year may be reallocated among participating programs for technology enhancements and demonstration projects in succeeding fiscal years, subject to the reprogramming procedures in Section 605 of this Act.

The conferees have concerns about the case service reporting and associated data reports submitted annually by the Corporation's grantees and the case statistical reports submitted by the Corporation to the Congress, and the conferees direct the Corporation to make improvement of the accuracy of these submissions a top priority, per directions in the House report. The conferees also direct the Corporation to submit its 1999 annual case service reports and associated data reports to Congress no later than April 30, 2000. The Office of the Inspector General will assess the case service information provided by the grantees, and will report to the Committees no later than July 30, 2000, as to its accuracy, as described in the House report. The conference agreement also includes the two feasibility reports described in the House report, due no later than June 1, 2000. The conferees urge the Corporation to provide its annual case service reports by May 1 of each following fiscal year, as described in the House report. The conferees direct the Corporation to keep the Committees fully informed on its study of the issue of the statutory requirement that aliens be 'present in the United States', as described in the House report.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Conference recommendation includes bill language to continue the terms and conditions included under this section in the fiscal year 1999 bill, as proposed in the House. The Senate bill contained similar language, but did not propose to continue provisions regarding public disclosure of certain information and treatment of assets and income for certain clients.

PUB. L. 106—553, 114 STAT. 2762

H.R. 4942

December 21, 2000

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

CONSOLIDATED APPROPRIATIONS ACT, 2001

*Enacting into law H.R. 5547 and H.R. 5548 of the 106th Congress.
H.R. 5548 contains provision for funding for the Legal Services Corporation*

Rescission language reprinted following the Conference Report.

**MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF COMMERCE, JUSTICE,
AND STATE, THE JUDICIARY, AND RELATED AGENCIES FOR THE FISCAL YEAR
ENDING SEPTEMBER 30, 2001, AND FOR OTHER PURPOSES.**

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$330,000,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$10,800,000 is for management and administration; and \$7,000,000 is for client self help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

House Rpt. 106—1005

**MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF
COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART
AGAINST REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2001, AND FOR OTHER PURPOSES**

***Conference Report Comments
(Not Reported in Statutes)***

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$330,000,000 for the payment to the Legal Services Corporation, instead of \$300,000,000 as proposed in the Senate-reported amendment, and \$275,000,000 as proposed in the House bill. The conference agreement provides \$310,000,000 for grants to basic field programs and independent audits, \$10,800,000 for management and administration, \$2,200,000 for the Office of Inspector General, and \$7,000,000 for client self-help and information technology. The conference agreement also includes \$31,625,000 for civil legal assistance under the Violence Against Woman Act programs funded under Title I of this Act. In addition, according to LSC-released statistics, grantees received over \$605,000,000 of funding during 1999.

Within the amounts provided for management and administration, the Corporation is expected to hire at least seven investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the regulations grantees agreed to abide by when accepting Federal funding.

The conference agreement adopts by reference the House report language on class action suits and the Senate report language on travel.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes language to continue the terms and conditions included under this section in the fiscal year 2000 Act, as proposed in both the House bill and the Senate-reported amendment.

House and Senate Reports Referenced by House Rpt. 106—1005
(referenced portions underlined)

House Rpt. 106—680

***Departments of Commerce, Justice, and State, the Judiciary,
and Related Agencies Appropriations Bill, Fiscal Year 2001***

Legal Services Corporation

Salaries and Expenses

The Committee recommendation provides \$141,000,000 for the Legal Services Corporation (the Corporation) for fiscal year 2001. This amount is a decrease of \$199,000,000 below the request, and \$164,000,000 below the amount provided in fiscal year 2000. This amount includes: (1) \$134,575,000 for grants to basic field programs; (2) \$5,300,000 for Corporation management and administration; and (3) \$1,125,000 for the Office of the Inspector General. The Committee notes that \$35,250,000 is provided for civil legal assistance under the Violence Against Women Act program funded under Title I of this bill.

The Committee is pleased with the efforts of the Corporation to improve the case reporting of its grantees. However, the Committee feels the Corporation can continue to work with its grantees to improve case reporting and lower the grantees' reporting error rate. The Committee is also interested in the efforts the Corporation has made in developing new performance measures that will allow both Congress and the Corporation to better evaluate the work of the grantees. These efforts include developing a 'cost-per-case' model and providing data on the level of non-case services provided such as community education, and services provided through self-help forms, kiosks or the internet. The Committee expects to be kept informed on the development of these measures.

The Committee also reminds the Corporation that its grantees are prohibited by section 504(a)(7) of P.L. 105—119 from participating in class action suits and directs the Corporation to ensure its grantees comply.

Senate Rpt. 106—404

***Departments of Commerce, Justice, and State, the Judiciary,
and Related Agencies Appropriations Bill, 2001***

Legal Services Corporation***Payment to the Legal Services Corporation***

<i>Appropriations, 2000</i>	<i>\$305,000,000</i>
<i>Budget estimate, 2001</i>	<i>340,000,000</i>
<i>House allowance</i>	<i>275,000,000</i>
<i>Committee recommendation</i>	<i>300,000,000</i>

The Committee recommends an appropriation of \$300,000,000. This is \$40,000 less than the budget request. The Committee recommendation includes \$289,000,000 for basic field programs, to be used for competitively awarded grants and contracts, \$8,900,000 for management and administration, and \$2,100,000 for the Office of the Inspector General [OIG]. The Committee is aware that LSC released statistics stating its grantees received over \$605,000,000 in total funding during 1999.

The Committee is concerned by the amount spent on travel costs and on past Board of Directors' meetings held at four star hotels and resort spas which are not on the Federal Government's approved list. Federal funding is being provided for the program's core mission: to provide basic legal aid to poor individuals. With this in mind, the Committee recommends a less indulgent approach in these areas. Furthermore, from available funds, the Committee recommends five additional investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the limited regulations grantees agreed to abide by when accepting Federal taxpayer funding.

Government Wide Rescission of 0.22%

PUB. L. 106—554, 114 STAT. 2763

H.R. 4577

December 21, 2000

H.R. 4577 enacts into law by reference H.R. 5666 which contains the rescission.

Excerpt from H.R. 5666

Sec. 1403. (a) Government-Wide Rescissions.—There is hereby rescinded an amount equal to 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government, except for those programs, projects, and activities which are specifically exempted elsewhere in this provision: Provided, That this exact reduction percentage shall be applied on a pro rata basis only to each program, project, and activity subject to the rescission.

(b) Restrictions.—This reduction shall not be applied to the amounts appropriated in Title I of Public Law 106 259: Provided, That this reduction shall not be applied to the amounts appropriated in Division B of Public Law 106 246: Provided further, That this reduction shall not

be applied to the amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as contained in this Act, or in prior Acts.

(c) Report.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2002 a report specifying the reductions made to each account pursuant to this section.

House Rpt. 106—1033

***MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL
APPROPRIATIONS FOR FISCAL YEAR 2001***

***Conference Report Comments
(Not Reported in Statutes)***

The conference agreement includes a new provision rescinding 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001, except for those programs, projects, and activities which are specifically exempted. The provision exempts from rescission the Military Personnel accounts of the Department of Defense Appropriations Act, 2001, and fiscal year 2001 amounts for activities funded in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

PUB. L. 107—77, 115 STAT 748

H.R. 2500

NOVEMBER 28, 2001

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2002**

[[Page 115 STAT. 794]]

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; [[Page 115 STAT. 795]] \$12,400,000 is for management and administration; and \$4,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

Section 504(a)(16) of Public Law 104—134 is hereafter amended by striking “if such relief does not involve” and all that follows through “representation”.

HOUSE REPORT 107—139

***DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES
APPROPRIATIONS BILL, FISCAL YEAR 2002***

[page 127]

LEGAL SERVICES CORPORATION

SALARIES AND EXPENSES

The Committee recommendation includes \$329,300,000 for the Legal Services Corporation for fiscal year 2002. This amount is the same as the request and \$26,000 above the current year appropriation. This amount includes: (1) \$310,000,000 for grants to basic field programs; (2) \$2,500,000 for the Office of Inspector General; (3) \$12,400,000 for Corporation management and administration; and (4) \$4,400,000 for client self-help and information technology. The Committee notes that \$40,000,000 is provided for civil legal assistance under the Violence Against Women Act program funded under Title I of this bill.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The Committee supports LSC's efforts to streamline its service area configurations through the State planning process. However, the Committee has been made aware of concerns that LSC has attempted to impose its own reconfiguration plans on certain States without clearly articulating standards for such decisions. In several instances the Corporation rejected reconfiguration plans developed and approved by all relevant stakeholders within a State, and provided no opportunity for the State to appeal that decision. The Committee expects LSC to review the State planning process and the concerns raised, and report back to the Committee by no later than September 4, 2001, with a proposal that articulates the reconfiguration standards and process for States to appeal LSC's decisions. The Committee intends that LSC consult with appropriate stakeholders in developing this proposal.

The Committee reminds the Legal Services Corporation that its grantees are prohibited by section 504(a)(7) of Public Law 105 119 from participating in class action lawsuits and directs the Corporation to ensure its grantees comply.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Committee recommendation includes bill language to continue statutory requirements and restrictions contained in previous Appropriations Acts, as requested. A legal correction is [page 128] recommended to reflect the recent Supreme Court ruling in the Legal Services Corporation v. Velazquez case.

PUB. L. 108—7, 118 STAT. 3**H.J.RES.2****FEBRUARY 20, 2003****CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003***Enacting into law H.J.Res.2 of the 108th Congress.**Amounts are reduced by 0.65% as per the government wide rescission in §601, reprinted below.**Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

LEGAL SERVICES CORPORATION**PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$338,848,000, of which \$9,500,000 is to provide supplemental funding for basic field programs, and related administration, for service areas (including a merged or reconfigured service area) that will receive less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and of which \$310,048,000 is for basic field programs and required independent audits; \$2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,300,000 is for management and administration; and \$3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively, and except that section 501(a)(1) of Public Law 104—134 (110 Stat. 1321-51, et seq.) shall not apply to the use of the \$9,500,000 to address loss of funding due to Census-based reallocations.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 0.65 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution;

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act; and

(3) the contract authority provided in fiscal year 2003 for any program subject to limitation contained in this joint resolution.

(b) **PROPORTIONATE APPLICATION**— Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this joint resolution in the following amounts in the following activities or accounts:

\$4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A;

\$6,667,533,000 provided for the Head Start Act in the Department of Education in division G;

\$23,889,304,000 provided for medical care in the Department of Veterans Affairs in division K; and

\$3,836,000,000 provided for the Shuttle program in the National Aeronautics and Space Administration in division K.

HOUSE REPORT 108—10

***MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003, AND FOR
OTHER PURPOSES***

LEGAL SERVICES CORPORATION**PAYMENT TO THE LEGAL SERVICES CORPORATION**

The conference agreement includes \$338,848,000 for the payment to the Legal Services Corporation. The Legal Services Corporation will provide \$9,500,000 in one-time grants equitably distributed among those service areas that will receive less funding in FY 2003 than they did in FY 2002 because of census-based reallocations.

ADMINISTRATIVE PROVISION

The conference agreement includes language to continue the terms and conditions included under this section in previous Appropriations Acts, except that section 501(a)(1) of Public Law 104 134 shall not apply to the use of \$9,500,000.

PUB. L. 108—199, 118 STAT. 3**H.R.2673****JANUARY 23, 2004**

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

*The full statute is available, as HR 2673, at:
<http://thomas.loc.gov/home/approp/app04.html>*

CONSOLIDATED APPROPRIATIONS ACT, 2004

LEGAL SERVICES CORPORATION**PAYMENT TO THE LEGAL SERVICES CORPORATION**

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$338,848,000, of which \$317,471,000 is for basic field programs and required independent audits; \$2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,300,000 is for management and administration; \$2,977,000 is for client self-help and information technology; and \$2,500,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105—119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2003 and 2004, respectively, and except that section 501(a)(1) of Public Law 104—134 (110 Stat. 1321-51, et seq.) shall not apply to the use of the \$2,500,000 to address loss of funding due to Census-based reallocations.

TITLE VI—GENERAL PROVISIONS

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any

means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 638. (a) There is hereby rescinded an amount equal to 0.465 percent of the budget authority provided for fiscal year 2004 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS

SEC. 168 (a) RESCISSIONS— From unobligated balances of amounts made available in Public Law 107—38, and in Public Law 107—117, and in appropriations Acts for the Department of Defense, \$1,800,000,000 is hereby rescinded: *Provided*, That the Director of the Office of Management and Budget, after consultation with the Committees on Appropriations of the House and Senate and the Secretary of Defense, shall determine the amounts to be rescinded from each account that is to be so reduced: *Provided further*, That the rescissions shall take effect no later than September 30, 2004: *Provided further*, That the Director of the Office of

Management and Budget shall notify the Committees on Appropriations of the House and Senate 30 days prior to rescinding such amounts: *Provided further*, That such notification shall include the accounts, programs, projects and activities from which the funds will be rescinded: *Provided further*, That this section shall not apply to any amounts appropriated or otherwise made available by the seventh proviso under the heading ‘Emergency Response Fund’ in Public Law 107—38.

(b) **ACROSS-THE-BOARD RESCISSIONS**— There is hereby rescinded an amount equal to 0.59 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2004 for any discretionary account in divisions A through H of this Act and in any other fiscal year 2004 appropriation Act (except any fiscal year 2004 supplemental appropriation Act, the Department of Defense Appropriations Act, 2004, or the Military Construction Appropriations Act, 2004);

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2004 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(c) **PROPORTIONATE APPLICATION**— Any rescission made by subsection (b) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(d) **OMB REPORT**— Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (b).

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

HOUSE RPT. 108—401***MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND RELATED AGENCIES FOR THE FISCAL YEAR
ENDING SEPTEMBER 30, 2004, AND FOR OTHER PURPOSES******Conference Report Comments
(Not Reported in Statutes)***

LEGAL SERVICES CORPORATION***PAYMENT TO THE LEGAL SERVICES CORPORATION***

The conference agreement includes \$338,848,000 for the payment to the Legal Services Corporation, as proposed in both the House and Senate bills. The recommendation is \$9,548,000 above the budget request. Of the amounts provided, the Legal Services Corporation will provide \$2,500,000 in grants equitably distributed to the ten states most negatively affected by recent census-based reallocations.

ADMINISTRATIVE PROVISION

The conference agreement includes bill language to continue the terms and conditions included under this section in previous Appropriations Acts.

Legal Services Corporation FY 2005 Appropriation
WITH RESCISSIONS, SELECTED GENERAL PROVISIONS
AND CONFERENCE REPORT LANGUAGE

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

The full statute is available, as H.R. 4818, at:
<http://thomas.loc.gov/home/approp/app05.html>

Public Law No: 108—447
118 Stat. 2809
H.R. 4818

December 8, 2004

One Hundred Eighth Congress of the United States of America
AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday, the twentieth day of January, two
thousand and four*

An Act

Making appropriations for Foreign Operations, Export Financing, and Related Programs
for the fiscal year ending September 30, 2005, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America
in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Consolidated Appropriations Act, 2005'.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to 'this Act' contained in any
division of this Act shall be treated as referring only to the provisions of that division.

**DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$335,282,000, of which \$316,604,000 is for basic field programs and required independent audits; \$2,573,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$13,000,000 is for management and administration; \$1,272,000 is for client self-help and information technology; and \$1,833,000 is for grants to offset losses due to census adjustments: Provided, That not to exceed \$1,000,000 from amounts previously appropriated under this heading may be used for a student loan repayment pilot program.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2004 and 2005, respectively, and except that section 501(a)(1) of Public Law 104-134 (110 Stat. 1321-51 et seq.) shall not apply to the use of the \$1,833,000 to address loss of funding due to Census-based reallocations.

TITLE VI—GENERAL PROVISIONS (INCLUDING RESCISSIONS)

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or

employees; (5) reorganizes or renames offices; (6) reorganizes programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 640. (a) There is hereby rescinded an amount equal to 0.54 percent of the budget authority provided for in fiscal year 2005 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately--

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

DIVISION J--OTHER MATTERS

TITLE I--MISCELLANEOUS PROVISIONS AND OFFSETS

SEC. 122. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 0.80 percent of--

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2005 for any discretionary account in divisions A through J of this Act and in any other fiscal year 2005 appropriation Act (except any fiscal year 2005 supplemental appropriation Act, the Department of Homeland Security Appropriations Act, 2005, the Department of Defense Appropriations Act, 2005, or the Military Construction Appropriations Act, 2005);

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2005 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(b) PROPORTIONATE APPLICATION- Any rescission made by subsection (a) shall be applied proportionately--

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

This title may be cited as the 'Miscellaneous Appropriations and Offsets Act, 2005'.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

*108TH CONGRESS 2ND SESSION
HOUSE OF REPRESENTATIVES
Report 108-576*

*MAKING APPROPRIATIONS FOR COMMERCE, JUSTICE, AND STATE, THE
JUDICIARY, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2005, AND FOR OTHER PURPOSES*

*CONFERENCE REPORT
to accompany
H.R. 4818*

July 1, 2004

*DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND
RELATED AGENCIES APPROPRIATIONS, 2004*

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The recommendation includes \$335,282,000 for the payment to the Legal Services Corporation. This amount is the same as the fiscal year 2004 level and \$5,982,000 above the request. This amount includes: (1) \$316,604,000 for grants to basic field programs and required independent audits; (2) \$2,573,000 for the Office of Inspector General; (3) \$13,160,000 for Corporation management and administration; and (4) \$2,945,000 for client self-help and information technology.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The Committee notes that the Legal Services Corporation will carry forward into fiscal year 2005 balances remaining from prior year appropriations. The recommendation includes a provision to allow LSC to spend up to \$1,000,000 from such balances for a law school student loan repayment pilot program in fiscal year 2005. Not later than 30 days after enactment of this Act, the Corporation shall submit the following information to the Committee: guidelines and requirements for implementing a loan repayment program, the number of legal aid attorneys who will be able to receive student loan repayment based on the amounts made available, and the original sources of funds that will be re-allocated for a student loan repayment program. The Committee expects that this program will help to encourage more lawyers to pursue careers in legal aid.

ADMINISTRATIVE PROVISION

The Committee recommendation includes bill language to continue statutory requirements and restrictions contained in previous Appropriations Acts.

Legal Services Corporation FY 2006 Appropriation
WITH RESCISSIONS, SELECTED GENERAL PROVISIONS AND
CONFERENCE REPORT LANGUAGE

*Additional general provisions not excerpted herein that apply to
LSC's appropriation appear in the full statute.*

The full statute is available, as Pub. L. 109—108, at:
<http://thomas.loc.gov/bss/d109/d109laws.html>

Public Law No: 109—108
119 Stat. 2290
H.R. 2862

November 22, 2005

One Hundred Ninth Congress of the United States of America
AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourth day of January, two
thousand and five*

An Act

Making appropriations for Science, the Departments of State, Justice, and Commerce,
and related agencies for the fiscal year ending September 30, 2006, and for other
purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America
in Congress assembled, That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006,
and for other purposes, namely:*

TITLE V—RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$330,803,000, of which \$312,375,000 is for basic field programs and required independent audits; \$2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,825,000 is for management and administration; \$1,255,000 is for client self-help and information technology; and \$1,809,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively, and except that section 501(a)(1) of Public Law 104-134 (110 Stat. 1321-51 et seq.) shall not apply to the use of the \$1,809,000 to address loss of funding due to Census-based reallocations.

TITLE VI—GENERAL PROVISIONS

Sec. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any

general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(RESCISSION)

SEC. 638. (a) There is hereby rescinded an amount equal to 0.28 percent of the budget authority provided for in fiscal year 2006 for any discretionary account in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately--

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

Public Law No: 109—148
119 Stat. 2290
H.R. 2863

January 4, 2005

TITLE III—RESCISSIONS AND OFFSETS

CHAPTER 8

GOVERNMENT-WIDE RESCISSIONS

SEC. 3801. (a) ACROSS-THE-BOARD RESCISSIONS- There is hereby rescinded an amount equal to 1 percent of--

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2006 for any discretionary account of this Act and in any other fiscal year 2006 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2006 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2006 for any program subject to limitation contained in any fiscal year 2006 appropriation Act.

(b) **PROPORTIONATE APPLICATION-** Any rescission made by subsection (a) shall be applied proportionately--

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) **EXCEPTIONS-** This section shall not apply--

(1) to discretionary budget authority that has been designated pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006; or

(2) to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs.

(d) **OMB REPORT-** Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

*109th CONGRESS 1st SESSION
HOUSE OF REPRESENTATIVES
Report 109-272*

*MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE,
JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR THE FISCAL
YEAR ENDING SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES*

*November 7, 2005- Ordered to be printed
Mr. WOLF, from the committee of conference, submitted the following
CONFERENCE REPORT*

[To accompany H.R. 2862]

TITLE V—RELATED AGENCIES

[202]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes \$330,803,000 for the payment to the Legal Services Corporation, the same as proposed by the House, instead of \$358,527,000 as proposed by the Senate.

The conference agreement includes \$312,375,000 for basic field programs, to be used for competitively awarded grants and contracts, \$12,825,000 for management and administration, \$1,255,000 for client self-help and information technology, \$2,539,000 for the Office of the Inspector General, and \$1,809,000 for grants to offset losses due to census adjustments.

The conferees incorporate, by reference, language in the House report regarding rent costs. [See below]

[203]

ADMINISTRATIVE PROVISION--LEGAL SERVICES CORPORATION

The conference agreement includes bill language to continue the terms and conditions included under this section in previous Appropriations Acts.

CONFERENCE REPORT

*109th CONGRESS 1st SESSION
HOUSE OF REPRESENTATIVES
Report 109-118*

*SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, FISCAL YEAR 2006*

*June 10, 2005- Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed*

*Mr. WOLF, from the Committee on Appropriations, submitted the following
R E P O R T together with ADDITIONAL VIEWS*

[To accompany H.R. 2862]

[149]

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The recommendation includes \$330,803,000 for the payment to the Legal Services Corporation. This amount is the same as the fiscal year 2005 level and \$12,553,000 above the request. This amount includes: (1) \$313,683,000 for grants to basic field programs and required independent audits; (2) \$2,539,000 for the Office of Inspector General; (3) \$12,826,000 for Corporation management and administration; and (4) \$1,755,000 for client self-help and information technology.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The recommendation does not include new funding for a loan repayment assistance program (LRAP), but the Committee encourages LSC to proceed with the planned pilot program. The Committee expects that the LRAP will help to encourage more attorneys to pursue careers in legal aid.

The Committee is concerned about LSC's rent payment for its current headquarters. The Committee expects LSC to reduce its rent payment by eliminating unnecessary office space and negotiating a more competitive cost per square foot.

ADMINISTRATIVE PROVISION--LEGAL SERVICES CORPORATION

The Committee recommendation includes bill language to continue similar statutory requirements and restrictions contained in previous Appropriations Acts.

HOUSE REPORT

*109th CONGRESS 1st SESSION**SENATE Report 109-88**DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS BILL, 2006**June 23, 2005- Ordered to be printed**Mr. SHELBY, from the Committee on Appropriations, submitted the following**REPORT [To accompany H.R. 2862]*

*[108] LEGAL SERVICES CORPORATION**PAYMENT TO THE LEGAL SERVICES CORPORATION**Appropriations, 2005: \$330,803,000**Budget estimate, 2006: 318,250,000**House allowance: 330,803,000**Committee recommendation: 324,527,000**The Committee recommends an appropriation of \$324,527,000. The recommendation is \$6,276,000 below the fiscal year 2005 funding level and \$6,277,000 above the budget request. The Committee recommendation assumes the requested offsets of \$400,000.**The Committee recommendation includes \$306,568,000 for basic field programs, to be used for competitively-awarded grants and contracts, \$12,588,000 for management and administration, \$1,232,000 for client self-help and information technology, \$2,764,000 for the Office of the Inspector General, and \$1,775,000 for grants to offset losses due to census adjustments.**ADMINISTRATIVE PROVISIONS**The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to poor individuals and the restrictions on the use of Legal Services Corporation [LSC] funds.**Grantees must agree not to engage in litigation and related activities with respect to a variety of matters including: (1) redis-**[109]**tricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) collection of attorney fees; (6) abortion; (7) prisoner litigation; (8) welfare reform; (9) representation of charged drug dealers during eviction proceedings; and (10) solicitation of clients. The exception to the restrictions in a case where there is imminent threat of physical harm to the client or prospective client remains in place.**The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.*
